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Louise Owen *

**Hostile Environments:
Theatrical Conventions and the Law**

**Ambienti ostili:
convenzioni teatrali e diritto**

* Royal Central School of Speech and Drama, louise.owen@cssd.ac.uk

ABSTRACT. This article queries how theatrical conventions intersect with the law through analysis of two contemporary productions – a revival of Agatha Christie's 1953 courtroom drama *Witness for the Prosecution* (County Hall, 2017-date) directed by Lucy Bailey, and a new contemporary documentary performance *This Is Who I Am* (touring, 2017-date) presented by ice&fire theatre company, touring to universities, community organisations and schools. Each of these productions in different ways thematises legal process and immigration. Drawing on scholarship in theatre and legal studies, the article analyses their visual rhetorics, contextualising them in relation to the rise and commercialisation of immersive experience, to argue that the British legislative construct of the 'hostile environment' bears a logical resemblance to immersivity in performance.

ABSTRACT. Questo articolo si interroga su come le convenzioni teatrali si intersecano con il diritto attraverso l'analisi di due produzioni contemporanee: una ripresa del dramma giudiziario del 1953 di Agatha Christie *Testimone d'accusa* (County Hall, 2017-oggi) diretto da Lucy Bailey, e una nuova performance documentaristica contemporanea *This Is Who I Am* (in tournée, 2017-oggi) presentata dalla compagnia teatrale Ice&Fire, in tournée presso università, organizzazioni comunitarie e scuole. Ognuna di queste produzioni tematizza in modi diversi il processo giuridico e l'immigrazione. Basandosi su studi teatrali e giuridici, l'articolo analizza le loro retoriche visive, contestualizzandole in relazione all'ascesa e alla commercializzazione dell'esperienza immersiva, per sostenere che il costrutto legislativo britannico dell'"ambiente ostile" presenta una somiglianza logica con l'immersività nella performance.

KEYWORDS / PAROLE CHIAVE: Courtroom Drama; Documentary Theatre; Immersive Experience; Immigration; Law / Dramma in tribunale; teatro documentario; esperienza immersiva; immigrazione; diritto

Hostile Environments: Theatrical Conventions and the Law

Louise Owen

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How do theatrical conventions intersect with the law? This article pursues this question by juxtaposing two pieces of contemporary performance that, superficially at least, seem worlds apart – a revival of Agatha Christie’s courtroom drama *Witness for the Prosecution* (County Hall, 2017-date), and ice&fire’s contemporary documentary performance *This Is Who I Am* (touring, 2017-date)¹. Based on interviews with three LGBT+ refugees, *This Is Who I Am* was originated by ice&fire in 2017 and updated in 2020. The company tours the performance to universities, community organisations and schools across the country with an accompanying workshop exploring immigration legislation, and offers an often-harrowing account of interviewees’ encounters with the UK asylum process. Dramatizing a criminal trial, Agatha Christie’s *Witness for the Prosecution* was adapted as three-act play by its author in 1953 from a short story she first published in 1925. With some revisions agreed by Christie’s estate, it opened in a site-responsive production directed by Lucy Bailey in London’s County Hall in October 2017, where it continues to run. It offers theatrical escapism – in the slightly sniffy words of a rare negative critic, «ultimately the production resembles something you might catch on ITV3 in the early afternoon»² – and ample opportunity for reviewers to exercise their skills in pun-writing («criminally entertaining», «stands accused of being London’s guiltiest pleasure», «the old girl has dunnit again»)³. As protracted Brexit negotiations continued to play out in 2018, the director herself observed that

you walk across the foyer after a show, and you see people smiling. It is a very joyous experience, because we are in such a mess and everyone feels in this limbo. She [Aga-

¹ Thanks to Sebastian Aguirre, Caoimhe Mader McGuinness, and to Massimo Meccarelli and all involved in *Aesthetics, Knowledge, Norm Production*, University of Macerata & Max Planck Institute for Legal History and Legal Theory, October 2023.

² Tripney (2017), p. 16. ITV3 is a digital television channel largely devoted to reruns of crime drama and soap opera.

³ Swain (2023); Gore-Langton (2019); Cavendish (2017).

tha Christie] offers something with clear frameworks. A society of rights and wrongs and ways forward⁴.

Originated as texts for performance more than 60 years apart, in different ways *Witness for the Prosecution* and *This Is Who I Am* illuminate the theatrical functioning of the law inside and outside of the courtroom. Each is interested in demonstrating the law as, in the words of legal scholar Peter Goodrich, «“a theatre that denies its theatricality, an order of images that claims invisibility, a series of performances that desire to be taken as the dead letter of prose and so the dead hand of the law”»⁵. In both cases, testimony is central to that endeavour – a type of speech act that hinges on perceived integrity. Following Derrida, Amanda Stuart Fisher argues that «when a testimony is disbelieved, it is not simply a case of disputing what was said: rather, it is a turning away from having any sense of faith in the witness»⁶. In the fictional courtroom of *Witness for the Prosecution*, ingrained and institutionalised xenophobia and misogyny are revealed to influence the jury’s perceptions of the defence’s key witness. In *This Is Who I Am*, documentary methods are used to enable audiences to hear and absorb the words of refugees whose accounts of their own experiences are ordinarily stifled by racist and reactionary public discourse about immigration. Through these means, these works also each implicitly and explicitly confront legacies of British colonialism above and beyond Brexit – a phenomenon legal scholar Nadine El-Enany has theorised in terms of «nostalgia for empire»⁷.

Witness for the Prosecution and *This Is Who I Am* thus lodge critiques of the putative neutrality of the law, and use differing theatrical strategies towards that end. Here, I use my analysis of the two productions, originated at the same time in 2017, to argue a very particular point – that their visual rhetorics also reveal a logical affinity between the construct of the ‘hostile environment’ and the popular contemporary performance mode of immersive experience. The ‘hostile environment’ – renamed ‘compliant environment’ in 2018 – is the most recent iteration of post-imperial British immigration policy and law wherein, further to transformations initiated by former Home Secretary Theresa May in the early 2010s, «a sweeping range of public servants, agencies, companies, private organisations and members of the public are now obliged to check people’s immigration status and enforce immigration-related restrictions», and which thereby has «dramatically diffused the immi-

⁴ Crompton (2018).

⁵ Peter Goodrich. Quoted in Lieboff (2018), p. 356.

⁶ Stuart Fisher (2020), p. 19.

⁷ El-Enany (2016).

gration system across the breadth of society»⁸. Meanwhile, in performance contexts, “immersive” connotes an aestheticizing and interactive approach to space – wherein the boundary between “performance space” and “audience space” is at the very least problematised, a discrete environment is theatrically hypothesised and constructed, and audience members are invited to imagine themselves and to interact as active participants within it. Though neither production actively describes itself as immersive in nature, in their narrative address to injustice together with their visual rhetorics, these productions demonstrate that an immersive approach to space in performance bears a logical resemblance to the diffusion of the immigration system described above.

1. “*Willing suspension of disbelief*”

Immersive theatre and performance-making began to take off in contemporary practice in the early 2000s, with companies either seeking to occupy spaces not ordinarily dedicated to theatre, or to use performance to encourage audiences to interact reflexively with the architectural setting and purpose of theatre buildings. Felix Barrett, the artistic director of Punchdrunk («“pioneers of the “immersive theatre” phenomenon”»)⁹, for example, pursued his early enthusiasm for site-specific theatre via shows in Exeter in an army barracks (*Woyzeck*, 2000), a townhouse belonging to the National Geological Society (*The Cherry Orchard*, 2000), and the gardens of an 18th century country house (*The House of Oedipus*, 2000) – with another, set in «a deserted auditorium, just one ticket holder, and a phone ringing on an empty stage...» (*The Moon Slave*, 2000)¹⁰. The proliferation of immersive theatre and performance in Britain, and criticism about it, has been contingent on a range of intersecting cultural, social, and economic dynamics. With and alongside the development of digital platforms, social media, and gaming, these include the legacies of twentieth century alternative and experimental performance movements seeking to disrupt theatrical norms and traditions, de-industrialisation and the consequent availability of former industrial sites and contexts for cultural work, and the pragmatic interaction between cultural producers, policy directed to refunction ex-industrial settings in service of economic regeneration and property development, and commercial enter-

⁸ Griffiths/Yeo (2021), pp. 525, 523.

⁹ Cavendish (2013).

¹⁰ Description of the performance. Available at ‘Our Work’, *Punchdrunk*, <https://www.punchdrunk.com/work/the-moon-slave/> (accessed October 20, 2024).

prise¹¹. Punchdrunk has been both an industrial leader and a significant beneficiary of this set of circumstances, having presented works in a range of ex-industrial or adapted spaces in Britain since the 2000s – most recently, *The Burnt City* (2023), a theatricalization of the fall of Troy staged within buildings in the former Royal Arsenal munitions complex in Woolwich, earmarked for cultural work in 2018 – and with long-running productions of *Sleep No More* (a *Macbeth* adaptation) currently running in New York and Shanghai. Many of their live performances invite audience members to don anonymising masks and to follow aleatory paths through elaborately designed and choreographed works, which play for several hours on a cycle. While this performative mode is particular to this company, scores of other artists and companies have made full or partial uses of an immersive approach to performance environments – responding to sites, constructing performance worlds, and staging walks, journeys, digital experiences, games, and sound works that blur distinctions between performance and audience¹².

Adam Alston historicises immersive theatre's mode of activated spectatorship in terms of the paradigm of the “experience economy” and neoliberal cultures of individualism. Proposing that immersive works extend «thrilling, enchanting or challenging experiences, which feature as an important part of an immersive theatre “artwork” that audiences co-produce by doing more than watching», Alston frames the encounter with such works like this:

Audiences might roam freely through spaces, interact and/or dialogue with performers and/or other audience members, or physically engage with a performance environment that surrounds them completely. They are expected to be alert, engaged, involved and prepared for invigoration. And they are expected to put their psychological and physiological capabilities to work, either through some form of physical exertion, or through an intimate involvement in performance than enlivens the affective possibilities of an uncertain future¹³.

He theorises these kinds of interaction as «narcissistic and entrepreneurial forms of productive participation»¹⁴ within which heightened self-awareness and an active search for new experiences within the performance environment play a decisive role.

¹¹ Machon (2013); McKinnie (2012).

¹² Alston (2016), p. 5 lists 40 indicative companies operating in Britain. For a comprehensive review of literature on immersive theatre to 2023 and examples of the form's uptake in Southeast Asia and the US, see Pumpeng/Yodnane (2023).

¹³ Alston (2016), p. 3.

¹⁴ Alston (2016), p. 11.

These encounters are «premised on the “freedom” of being able to roam at one’s own discretion [...] in comparison with those who are less able or willing to exploit such freedom»¹⁵. Alston’s analysis problematises the link habitually made between «immersion and interaction with liberation from convention»¹⁶ in the domain of the theatre, demonstrating instead how immersive theatre practices set a different range of conventions and social norms. And yet, in this regard, Mischa Twitchin, one of the founder members of one such experimental performance company, Shunt, argues that «what is at stake for so-called immersive theatre – as if it were the last word in the “theatrical” – seems all too often a desire to keep theatrical illusion intact; to maintain – if not, indeed, to enhance – this basic shibboleth of naturalism»¹⁷. Alston interprets Shunt and others as working «to frustrate the romanticism of audience productivity in immersive settings, and interrogate the commodification of experience»¹⁸. The fundamental underpinning of that commodification is arguably theatrical illusion, which, as Alston demonstrates, performance makers might challenge or deconstruct, and which Twitchin discusses in these terms: «instrumentalized “immersive” experience is a theatrical form of fetishism that wants to disavow an understanding that the theatrical is itself already constituted by the structure of judgement characteristic of fetishism»¹⁹.

Twitchin’s critique contrasts with views of immersive practice as a scene of innovation in performance, instead identifying at its basis long-established dramatic representational dynamics. It also resonates with earlier critical understandings of immersion within the different disciplinary tradition of literary studies, within which postmodern theorists regarded immersion and its conceptual counterpart, Coleridge’s “willing suspension of disbelief”, as «the holdover of a now discredited aesthetics of illusion that subordinates language to its referent, and ignores the power of configuration over the reality it is supposed to represent»²⁰, as Marie-Laure Ryan wrote in 1999. In her text, which accounts for the differing understandings of immersion and interactivity found within literature and virtual reality towards an analysis of signification within VR, she presents two points which resonate strongly with the insights of the commentators I have discussed thus far, and the argument I am con-

¹⁵ Alston (2016), p. 11.

¹⁶ Frieze (2016), p. 2.

¹⁷ Twitchin (2019), p. 142.

¹⁸ Alston (2016), pp. 21-22.

¹⁹ Twitchin (2019), p. 144.

²⁰ Ryan (1999), p. 111.

structing here. Reflecting on interactivity as a critical component of VR, Ryan considers how, to serve its purpose without disruption, «a performance must impose a script on the spectator's participation, a script that will channel his actions towards a goal sanctioned by the system»²¹. And, while noting the greater immersive absorption offered by popular genre fiction as distinct from «a text that cultivates a sense of estrangement», she also proposes that «immersion can also be the result of a process involving an element of struggle and discovery. A literary text is the most satisfying when it lures the reader into what appears at first a hostile environment»²². Taken together, these critiques, written over the course of a twenty year period, sketch the developing scene of twenty-first century immersive practice across theatre, digital culture and literature as a complex multi-modal mix of theatrical illusion, imaginative identification, delimited participatory autonomy, and systemic control.

2. Witness for the Prosecution

Witness for the Prosecution and *This Is Who I Am* were each created in the context of immersive experience's commercial maturity and popularity. With its TV drama-like aesthetic, Lucy Bailey's production of Agatha Christie's 1953 play exemplifies normative popular imaginings of judicial process. As Alan Read notes, «statistically speaking most people have never set foot in a courtroom or been involved in a criminal inquiry, yet the majority of those with access to electricity and a TV signal have witnessed such things over and over again»²³. The heightened attraction that *Witness for the Prosecution* holds out for audiences is of being incorporated into the fabric of the action – indeed, on visiting the show's current website, a screen addresses the reader: «YOU HAVE BEEN SUMMONED FOR JURY SERVICE»²⁴. The venue of performance is London's County Hall – the former site of the Greater London Council, abolished by Thatcher's government in 1986 – standing adjacent to the major cultural institutions of the South Bank. The production is staged in the building's imposing debating chamber. It is an extraordinary assembly hall environment constructed of mahogany and marble, whose architectural form recalls the Old Bailey. As audience members, we are hierarchically arranged in its in-built stalls and

²¹ Ryan (1999), p. 124.

²² Ryan (1999), p. 120.

²³ Read (2016), p. 13.

²⁴ Available at 'Agatha Christie's *Witness for the Prosecution*', <https://witnesscountyhall.com/> (accessed October 20, 2024).

galleries. The visual rhetoric of the piece thereby casts audience members as public witnesses to the court's proceedings – a dramaturgical choice that corresponds with the reflexive aesthetics of other contemporary immersive performance works, but also resonates with Agatha Christie's original recommendation that «audience members be invited on to the stage» towards «the spectacle of a lot of people in the court scene»²⁵. And, in an exciting participatory invitation, twelve audience members are cast as jurors, equipped with notebooks, and called upon at the critical moment to deliver the verdict. Where dramatic action takes place outside of the courtroom itself, additional scenic elements are placed upon the venue's wooden thrust stage – benches, a rug, a bureau, an imitation fire, lighting – but the space of County Hall's debating chamber dominates and underscores the action, providing the ground, concept, and spatial organisation of performance and audience. Moving in and out of an immersive aesthetic, the space of judicial process is implied to underpin and ghost action in other spheres – the exception being a night-time scene set in Limehouse docks, where lighting effects and haze obscure the courtroom from view, suggesting the docks to be a sinister environment beyond institutional reach.

The story itself – spoilers ahead – is an elaborate whodunit hinging on credibility, featuring multiple concluding plot twists and informed, in Christie's research process, by legal expertise to ensure its procedural authenticity²⁶. It concerns the seduction, economic manipulation and murder of a wealthy older woman, Miss Emily French, by a seemingly guileless young working class man, Leonard Vole, and the exploitation of the principle of double jeopardy to ensure his exoneration. His illegitimate wife Romaine Vole – an actress he brought from Germany following his service in the war, who remains married to a fellow German – colludes with him to produce this outcome for love. The story proper begins in the chambers of the competitive and patrician Sir Wilfrid Robarts, QC. Vole gives an account of his movements on the night of the murder to Sir Wilfrid and his colleague Mayhew, and Romaine arrives to corroborate his story, exhibiting however none of the docility and hysteria that the lawyers expect from the wife of the accused. During the trial itself, the victim's housekeeper Janet MacKenzie strongly contests Vole's innocence. To everyone's surprise, in court Romaine also claims that Vole has lied about his movements and required her to lie in turn. In a sequence adapted for the production from Christie's short story, a mysterious note arrives summoning the lawyers to Limehouse docks, where a woman offers some letters from Romaine to a secret lover in return

²⁵ Christie (2016), 'Author's note'.

²⁶ Green (2018), pp. 338-339.

for money – her motivation being revenge against Romaine for a romantic infraction. Back in court, Sir Wilfrid uses the letters to invalidate Romaine's testimony. The denouement reveals that the trial has been the scene of an elaborate double-double-cross. Vole is in fact guilty, and the actress Romaine played the woman at the docks as part of their subterfuge. Having been found not guilty, Vole abandons Romaine for his mistress, and enraged, Romaine murders him in full sight of everyone. These final moments dramatize multiple instances of tragic recognition and reversal of fortune – for the lawyer, betrayed wife, and the exonerated perpetrator. The British judicial system is revealed to rest on flimsy performative foundations, vulnerable to human passions and corruptions. As screenwriter Sarah Phelps puts it, for the law, «it's not the truth that matters, Christie seems to suggest, but performance»²⁷.

Critical to the play's argument in these terms is the pernicious function of stereotype. The play expertly delineates the tragic plight of women in male dominant society, and the predication of the court and its representatives' supposed neutrality on a complex of other social values relating to gender, class, and empire. Set in 1953, in performance in 2023, *Witness for the Prosecution* appears as a period piece – «God Save the Queen»²⁸, declaims the court's usher to the audience “in court” – but with continued contemporary resonance. Following Vole's arrest, Mayhew reassures him paternalistically: «(Mayhew pats Leonard on the shoulder) Make no further statement – leave it all to us»²⁹. Meanwhile, Romaine's identity as a woman and as European is deemed to compromise her credibility as a witness – a prejudice, we ultimately discover, she has leveraged on behalf of her husband. Sir Wilfrid casually insists after the first phase of the trial in relation to the jury: «she's a foreigner, and they distrust foreigners»³⁰. At this remark, audience members in the performance I attended in August 2023 laughed – whether in sympathy with or discomfort at the multiple outrages that the line represents was unclear – and throughout, expressed amusement less ambiguously in response to the play's dramatization of gender relations. While the piece exploits opportunities for humour in these terms throughout, the tragic foundation of the piece is the system of male dominant social relations. The heroine – the wily and capable Romaine – uses her best efforts to play it at its own game with her skills as an actress; gendered social hierarchy remains undisturbed.

²⁷ Phelps (2016), p. 28.

²⁸ Christie (2016), p. 68.

²⁹ Christie (2016), p. 15.

³⁰ Christie (2016), p. 16.

Christie awards her the line: «What hypocrites you are in this country»³¹ – a metatheatrical statement if ever there was one. Romaine is referring to sexual morality in preparatory conversation with the defence, but this line could be seen to encompass various values and practices seen in the play, and especially Mayhew's exceptionalism – «Our English judicial system is, in my opinion, the finest in the world» – and Sir Wilfrid's concluding assessment, soon to be disproved, that «our British system of justice upholds the truth»³². And yet, as another critic put it, in Bailey's production «the theatre of law submits to the laws of theatre»³³. Its theatrical rhetoric goes beyond the contrast between the static, dispassionate physicality of the judge, stenographer and clerk, and the performative bombast of the prosecution and the defence as the trial unfolds. The aesthetically immersive setting of County Hall brings us into proximity with this “real” situation, but melodramatic dramaturgical choices consistently assert its fictionality. An opening dream sequence bathed in green light sees Vole convicted, and a gallows swings up terrifyingly from the floor. As witnesses give testimony, attention is guided and tension amplified with lighting, music, and sound effects – smashing glass, sinister orchestration, murmurings in the court, lights coming up and down on the audience. Despite Bailey's insistence that *Witness for the Prosecution* is «“a serious excavation of the British justice system”»³⁴, the chosen effects serve to entrench a sense of historical distance, insulating the supposedly more enlightened present from the misogyny and xenophobia the play lays out in its 1950s setting. Beyond «a faint Brexit frisson», most critics accordingly appraised the piece as an «antique yarn», «a hoary curiosity», «a proper old-fashioned hit»³⁵.

3. This Is Who I Am

This Is Who I Am meanwhile demonstrates ideological continuities between the present and the circumstances dramatized by Agatha Christie in a fictional register in the 1950s. This documentary work throws Bailey's populist interpretation of the play's illustration of the judicial system and British cultural politics into relief. If, as

³¹ Christie (2016), p. 19.

³² Christie (2016), pp. 4, 70.

³³ Marmion (2021).

³⁴ Crompton (2018).

³⁵ Hemming (2017); Marmion (2021); Wolf (2017); Gore-Langton (2019): «Verdict? It's a triumph».

legal scholar Susanna Menis argues of *Witness for the Prosecution*, at its tragic conclusion «authority, hierarchy and oppression are restored. Justice, as we know it, is achieved after all»³⁶, ice&fire's work, touring simultaneously, unveils the degree to which authority, hierarchy and oppression are enacted daily in ways that do not always reach public consciousness – and in ways that are predicated on the colonial histories that underpin the British exceptionalism and xenophobia skewered in Christie's play. *This Is Who I Am* takes its name from a phrase spoken by one of the LGBT+ refugees interviewed by ice&fire. The piece shares the stories of three people who fled violent oppression by their families, fellow citizens and state actors in their home countries of Namibia, Nigeria and Kazakhstan, their application for asylum in the UK, and in the process, their further encounters with violence and forms of partial and insufficient support. Dramaturgically, in liaison and consultation with the interviewees, the interview testimonies have been condensed, and then broken up and interleaved to produce the text for performance. Woven together, the three monologues that make up *This Is Who I Am* offer a linear but richly textured account of personal experience, beset by anti-LGBT+ legislation, institutionalised homophobia and misogyny, which refracts many public issues: organised religion, histories of global geopolitics, diasporic identity, education, family structures, human trafficking, professional identity, and intimate relationships. Spoken in direct address, the piece consists loosely of three acts. It commences with the interviewees' reflections on sexuality, early experiences of sexual attraction, intimacy and relationships, reactions from their families and communities, and their consequent experiences of living in and surviving situations of violence. The middle section describes interviewees' arrival to the UK and the psychological and hardships that applying for asylum entailed – disbelieved by the authorities, placed in detention, applications refused, unable to secure accommodation or banking services, separated from family members and threatened with deportation. The final and shortest section relates the interviewees' circumstances as they now stand – stood – at the time of the script's most recent update in 2020.

A key focus of ice&fire's piece – as in *Witness for the Prosecution* – is the issue of credibility. Agatha Christie's play, about a criminal trial, theatrically demonstrates the complicity between stereotype, social hierarchy and oppression. *This Is Who I Am* presents spoken testimonial to problematise performative modes of stereotyping, and to narrate the state's demand for credible storytelling from asylum seekers about their circumstances on the terms it dictates. The law makes its appearance via

³⁶ Menis (2019), p. 361.

retrospective discussion of meetings with lawyers, judicial decisions, the experience of detention, compliance with curfew, attempts to rent accommodation. The public performance I attended took place on an afternoon in April 2023, in a theatre studio in the School of Arts at Birkbeck, University of London. However, the production does not require access to theatrical equipment or scenic elements, and could take place anywhere. The unadorned walls of the studio serve as a backdrop, and windows let in natural light. Three actors – two women and a man of different ages and racial identities – sit in a semi-circle on chairs found in the space, with a low circular coffee table in front of them for water. Folders containing the script rest on their laps. The coffee table and its beige laminate covering speaks of corporate offices or school reception areas, and the folders harmonise aesthetically with the educational purpose of the space, but these are accidents of representation. The audience sits in a similarly semi-circular arrangement in front of them. It is clear who will be speaking and who will be listening, but the shared natural light brings a sense of unified purpose and an anti-spectacular quality to the performance.

The performance is a rehearsed reading. As director Sebastian Aguirre noted at the beginning of the performance, for this and other projects, ice&fire casts actors against ‘type’, meaning that there is no naturalistic relationship between actor and role. The actors do not wear costume but their own casual, everyday clothing, appearing in effect as ‘themselves’. The visible consultation of scripts throughout the performance similarly puts a distance between actor and role. The stories do not ‘belong’ to the actors assuming the guise of character – they are being given public voice by them here, now. In performance, the piece affirms the necessity of attending to the detail of lived experience, and spoken testimonial as a means of accounting for it – extending, to return to Amanda Stuart Fisher, «an invitation to the audiences to listen and to believe what is being attested to and not to turn away or disavow this act of witnessing»³⁷. It also communicates how asylum claimants are required to produce «a convincing and compelling narrative of persecution, meaning that asylum seekers are often forced to perform the role of victim in order to expedite their case for asylum», a process Alison Jeffers describes as «bureaucratic performance»³⁸. The actors remain seated for the duration of the performance. Barring the occasional click of the fingers or turn of the head, and various instances in which an actor speaks a line from a figure featured in the story of another – for example, a parent, a new love, a lawyer – there are no other theatrical gestures to speak of. The actors use

³⁷ Stuart Fisher (2020), p. 19.

³⁸ Jeffers (2008), p. 218.

their voices gently but persuasively, without excessive increases in volume or heightened emotionality in delivery. The everyday aesthetic contrasts strongly with the adversities often being described. The effect is one of the actors themselves compassionately witnessing the stories they are telling, which, while disturbing in their cruelty, also demonstrate courage, structures of solidarity and support from refugee, LGBT+, and faith-based organisations, and forms of phrasing and experiential detail that disrupt narrative expectation. Audience members' jaws are set, and the silent atmosphere one of intent listening. Where moments of joy or optimism emerge, the room feels appreciably lighter.

The stories span time, distance and location, moving from Namibia, Nigeria and Kazakhstan to the towns and cities of Liverpool, Southport and Wakefield in the north of England in ways that are not represented visually – requiring close aural attention from audience members, and the exercise of imagination and association. And yet, in response to the occasional reference to education, I perceived a haunting flash of self-sameness in the studio in the School of Arts – as if the experiences being described could have taken place in this room, in this institution. Those moments would quickly recede, to be replaced by other times and places conjured up in speech. Like the affinity between the script folders and the educational space noted earlier, this realist representational peculiarity was contingent upon the specific setting of the performance. But this experience and the dramaturgical approach that underpins it suggest questions concerning immersive visual aesthetics as they relate to spaces of performance and wider social changes. A short text about *This Is Who I Am* by human rights lawyer Aleks Selim Dughman Manzur, published on ice&fire's website, asserts the value of art as a strategy for self-determination, relationality, and institutional transformation. Elsewhere in the paper, Manzur writes: «Systemic racism is everywhere and infuses our public institutions. Along with ableism, transphobia, sexism. Through art and narrative, we shed a light on our systemic failures and address the structures that allow it to thrive and operate»³⁹. They ask: «Do we see our stories reflected in the policies or are the policies creating the narratives about who we are?»⁴⁰.

³⁹ Dughman Manzur (2023).

⁴⁰ Dughman Manzur (2023).

4. Conclusion

Witness for the Prosecution and *This Is Who I Am* each propose a narrative critique of how, in the words of legal scholar Sarah Keenan, «law falsely constructs spaces as being politically neutral, uniform and fixed»⁴¹ – but as theatrical productions, also construct and respond to the spaces in which they are themselves performed. In her analysis of the effects of the “hostile environment” – wherein for a racialized subject, «every interaction with the internal border is productive of her understanding of herself as foreign, and of the British landscape as a white supremacist environment» – Keenan follows geographer Doreen Massey’s processual definition of places as «“articulated moments in networks of social relations”»⁴². This is thinking which is also highly conducive to, and has been taken up in theorising the operations of theatre, an artform devoted to the active imaginative and social construction of space and place⁴³. *Witness for the Prosecution* was originally performed in a dedicated theatrical space – the long since demolished proscenium arch Winter Garden Theatre on Drury Lane, which seated 1,860 – presenting a courtroom on stage. Lucy Bailey’s contemporary production enfolds its audience within a chamber standing in for a courtroom – but attenuates its immersive effects and sense of historical proximity by using melodramatic device. While these choices imply that the cultural politics that Christie’s play dramatizes belong to the past, they also demonstrate the apparent fixity of the courtroom to be a scene of theatrical imagination, projection, and performance. Performed as a rehearsed reading, *This Is Who I Am* asks audiences to listen to words drawn from lived experience, distanciated from the actors performing them, to reflexively critique stereotyping and to unfold experiences of injustice. But in its testimonial realism, it also produces the conditions for the shared space of performance to be seen fleetingly in aesthetically realist and immersive terms. Both *Witness for the Prosecution* and *This Is Who I Am* thus distance themselves from the totalising illusionistic representation underpinning immersive aesthetics – though with variable political effects concerning the continued purchase of colonial legacies and xenophobic sentiment – seeking instead to use theatricality to demonstrate how social narratives are constructed actively, and their effects on lives and futures rela-

⁴¹ Keenan (2019), p. 80.

⁴² Keenan (2019), pp. 86, 80.

⁴³ See for example the special issue of *Modern Drama*, ‘Space and the Geographies of Theatre’, 46, 4 (2003): editor Joanne Tompkins takes up this thought of Massey’s in introducing the issue and the manner in which theatre «cannot exist without space: there must be a location, a venue of some sort in which theatre can occur or, rather, take ‘place’» (p. 537).

tive to the law: to return to Goodrich, «“a theatre that denies its theatricality, an order of images that claims invisibility”»⁴⁴.

Juxtaposing these productions analytically enables comparative questions to arise concerning historical changes to theatrical representation and regimes of immigration policy and law. Having been popularised in Britain from the 2000s on, now not only theatrical performances but dining, cocktail and escape room experiences advertising themselves as “immersive” are pervasive in contemporary culture. In lexical terms “immersive” has become generalised in its meaning, sometimes standing in for notions like “captivating” and “arresting”. I note in passing that these are synonyms for entrapment – but also that of the 32 immersive experiences in London that were listed in September 2023 by *designmynight*, 15 of them cast audiences as detectives, jurors, criminals and prisoners⁴⁵. As I have discussed, immersivity has been theorised as a cultural effect of neoliberal individualisation, of culture’s implication in brand and property development, as a variegated and variable experience, as anti-theatrical, as an un-realisable ideal horizon akin to Borges’ map⁴⁶. But in light of the performances I have analysed here, and in addition to these critical appraisals of and trends in leisure time activity, I am left wondering as to the historical correlation between the rise of immersive experience and the encroachment of the spatial logics enacted governmentally in relation to immigration, now realised in the “internal border regime” of the “hostile environment” – wherein borders are «at once invisible and real, intermittent and permanent; borders that operate by attaching to individual subjects wherever they go rather than bounding off a defined physical area; borders that are internal to the nation that has already been entered»⁴⁷. Audience members who attend an immersive experience may temporarily navigate a theatricalised “hostile environment” – as Marie-Laure Ryan framed literary texts engaging «struggle and discovery»⁴⁸ – by choice and for pleasure. People moving

⁴⁴ Peter Goodrich. Quoted in Lieboff (2018), p. 356.

⁴⁵ ‘*Best Immersive Experiences in London (last updated 1 September 2023)*’, *designmynight*, <https://www.designmynight.com/london/whats-on/immersive-experiences-london>. Framing audience members as quasi-performers in aestheticized environments has also elicited unruly and sometimes violent behaviour, with reports of assaults against performers; an Equity consultation into performer safeguarding was launched in 2019. James (2019).

⁴⁶ Alston (2016); Nield (2008); Sherman (2016).

⁴⁷ Keenan (2019), pp. 83, 79. Performance scholar Sophie Nield (2006, p. 65) theorises the theatricality of border space thus: it is «a space in which identity can be doubled; in which it is possible, indeed necessary, to be present in more than one way; in which one must simultaneously be present and be represented».

⁴⁸ Ryan (1999), p. 120.

through the immigration system by contrast find themselves immersed in the hostile environment as a legislative phenomenon. As Melanie Griffiths and Colin Yeo write of this regime, «the effectiveness of “everyday borders” is the production of generalised feelings of instability and anxiety, which creates chronically insecure and dehumanised, “deportable”, people»⁴⁹ – a very different kind of modelling of an «uncertain future»⁵⁰. With this commonality in view, and as the theorists consulted here propose, law and policymaking might themselves be conceptualised as scripting aesthetic convention.

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⁴⁹ Griffiths/Yeo (2021), p. 531.

⁵⁰ Alston (2016), p. 3.

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